

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

T-M VACUUM PRODUCTS, INC.

§

VS.

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CIVIL ACTION NO: 4:11-cv-00947

JOHN B. BERRY and wife
PATRICIA P. BERRY

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DEFENDANTS JOHN B. BERRY AND
PATRICIA P. BERRY'S INITIAL DISCLOSURES

TO: Plaintiff, by and through its attorney of record, H. Miles Cohn and Michelle V. Friery, Sheiness, Scott, Grossman & Cohn, LLP, 1001 McKinney Street, Ste. 1400, Houston, Texas 77002-6420.

Defendants John B. Berry and Patricia P. Berry serve these Initial Disclosures under Federal Rule of Civil Procedure 26(a)(1):

(i) the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

1. Name: John B. Berry
Address: 1330 Post Oak Blvd., Ste. 1600
Houston, Texas 77056
Phone: 800-658-0225
Subject: Mr. Berry is a party to this suit. He has knowledge of the facts set forth in Defendants' Answer to Plaintiffs' Complaint. He also has knowledge about the transactions at issue and the allegations in Plaintiffs' Complaint.
2. Name: Patricia P. Berry
Address: 1330 Post Oak Blvd., Ste. 1600
Houston, Texas 77056
Phone: 800-658-0225
Subject: Ms. Berry is a party to this suit. She has knowledge of the facts set forth in Defendants' Answer to Plaintiffs' Complaint and the allegations in Plaintiffs' Complaint.

(ii) a copy – or description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or

control and may use to support its claims or defenses, unless the use would be solely for impeachment.

Such documents include correspondence between the parties. Defendants will supplement this disclosure as discovery progresses. Additionally, the following categories of privileged documents are located at Defendants' offices and/or the offices of their attorneys, William W. Rucker, 3355 West Alabama, Suite 825, Houston, Texas 77098:

- communications between Defendants and their attorney;
- work product of Defendants' attorney.

(iii) a computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

Defendants are not claiming damages at this time.

(iv) for inspection and copying, any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Defendants do not believe any such insurance exists.

Respectfully submitted,

/s/ William W. Rucker

William W. Rucker
Attorney-in-Charge
TBA No. 17366500
SDT No. 3669
3355 West Alabama, Suite 825
Houston, Texas 77098
Telephone: 713-528-2800
Facsimile: 713-528-5011
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June ____, 2011, a true and correct copy of this instrument was served on counsel of record via electronic notice.

H. Miles Cohn
Michelle V. Friery
Sheiness, Scott, Grossman & Cohn, LLP
1001 McKinney Street, Ste. 1400
Houston, Texas 77002-6420

William W. Rucker